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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,911	03/31/2004	Hiroshi Saegusa	07409.0029	5705
22852	7590	05/30/2006		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER RATCLIFFE, LUKE D	
			ART UNIT 3662	PAPER NUMBER

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/812,911	SAEGUSA, HIROSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Luke D. Ratcliffe	3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rendahl (20020084431).**

Referring to claim 1, Rendahl shows a light source (figure 9 Ref 110), a light reflecting means (figure 9 Ref 112) wherein said light reflecting means has a function of retroreflecting incident light (figure 9), and a unit that detects a passing object as the object traverses the light path and interrupts reception of the reflected light by the light receiving sensor (paragraph 10-18).

Referring to claim 2, Rendahl shows a light receiving sensor and a light source disposed on an opposite side as the light reflecting means (figure 9).

Referring to claim 3, Rendahl shows an optical member that transmits a portion of light and reflects a portion of light (figure 9 Ref 114).

Referring to claim 4, Rendahl shows a light source that is a laser (figure 9 Ref 110).

Referring to claim 5, Rendahl shows a device for measuring a velocity of a passed object (figure 9), a light source (figure 9 Ref 110), a light reflecting means (figure 9 Ref 112) wherein said light reflecting means has a function of retroreflecting incident

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light (figure 9), and an optical member that transmits a portion of light and reflects a portion of light (figure 9 Ref 114), the light source and light receiving sensor are disposed on a side opposite to the light reflecting means with respect to the passing object (figure 9), a light path of light reflected by the light reflecting means and a light path of light incident on the light reflecting means are aligned with each other (figure 9), the optical member is disposed on the light path between the light source and the reflecting means (figure 9).

Referring to claim 6, Rendahl shows a light reflecting means has a function of retroreflecting incident light (figure 9).

Referring to claim 7, Rendahl shows a light source that is a laser (figure 9 Ref 110).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (5634855) in view of Rendahl (20020084431).**

Referring to claims 5 and 6, King shows a device for measuring a velocity of a passed object (figure 1). Rendahl shows a device for measuring a velocity of a passed

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object (figure 9), a light source (figure 9 Ref 110), a light reflecting means (figure 9 Ref 112) wherein said light reflecting means has a function of retroreflecting incident light (figure 9), and an optical member that transmits a portion of light and reflects a portion of light (figure 9 Ref 114), the light source and light receiving sensor are disposed on a side opposite to the light reflecting means with respect to the passing object (figure 9), a light path of light reflected by the light reflecting means and a light path of light incident on the light reflecting means are aligned with each other (figure 9), the optical member is disposed on the light path between the light source and the reflecting means (figure 9).

**Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rendahl (20020084431).**

Referring to claims 9 and 10, it would be obvious to use a retroreflective sheet on a plate to be the light reflecting means because this is well know and adds no new or unexpected results.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke D. Ratcliffe whose telephone number is 571-272-3110. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LDR

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